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BY ECF

Hon. James Orenstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee and Merchant Discount Fee Antitrust Litigation*,
05-MD-01720 (JG)(JO)
Visa U.S.A. Inc. v. National Association of Convenience Stores, 13-CV-3074 (JG)(JO)
Visa U.S.A. Inc. v. Wal-Mart Stores Inc., 13-CV-3355 (JG)(JO)

Dear Judge Orenstein:

We write on behalf of plaintiffs pursuant to Your Honor's order directing them to state their position regarding whether they wish to stay briefing on the declaratory judgment defendants' motions to dismiss. Plaintiffs request that briefing on both motions be stayed until after the Court issues an order resolving the motion for final approval of the class settlement in MDL 1720. Alternatively, if the Court wishes briefing to proceed, plaintiffs request that briefing on both motions proceed now, with moving briefs due within 30 days of Your Honor's scheduling order, opposition briefs due within 30 days of service of moving briefs, and reply briefs due within 21 days of service of opposition briefs.

Apart from whether briefing should be deferred, the parties are not aware of any disagreements about any preliminary procedural issues concerning the proposed motions. Subject to each side's reviewing the other's motion papers once they are filed, the parties agree that the motions should be motions to dismiss under Rule 12 rather than motions for summary judgment.

Respectfully submitted,

/s/ Michael S. Shuster

/s/ Robert J. Vizas

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